

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

REC'D 17 NOV 2004

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Rec'd PCT/PTO 06 MAY 2005

Applicant's or agent's file reference APC 0935 WO		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/14165	International filing date (day/month/year) 11.12.2003	Priority date (day/month/year) 12.12.2002	
International Patent Classification (IPC) or both national classification and IPC B05C19/02			
Applicant AKZO NOBEL COATINGS INTERNATIONAL B.V. et al.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the opinion

II ☐ Priority

III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability


IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

Date of submission of the demand 08.07.2004	Date of completion of this report 16.11.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Krysta, D Telephone No. +49 89 2399-2942



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/14165

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-41 as originally filed

Claims, Numbers

1-51 as originally filed

Drawings, Sheets

1/7-7/7 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 25,50

because:

☒ the said international application, or the said claims Nos. 25,50 relate to the following subject matter which does not require an international preliminary examination (specify):

see separate sheet

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-24,26-49
	No: Claims	51
Inventive step (IS)	Yes: Claims	1-24,26-49
	No: Claims	51
Industrial applicability (IA)	Yes: Claims	1-24,26-49,51
	No: Claims	

2. Citations and explanations

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see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

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Point III:

1. Contrary to Rule 6.2(a) claims 25 and 50 refer to the description and the drawings.

Point V:

1. Independent claim 51 refers to a substrate obtained/obtainable by a process as claimed in the previous claims without disclosing any technical features distinguishing the claimed substrate in respect of the state of the art. Therefore, claim 51 is not new (Article 33(2) PCT).
2. In document US-6 280 798 (=D2) an apparatus and process for forming a coating on a substrate is described.

This republished state of the art differs from that of independent claims 1 and 26 in that in D2 a voltage is applied to the substrate, while in the present invention the substrate is isolated or earthed. The use of an isolated or earthed substrate makes it possible to coat substrates to which a voltage cannot be applied, e.g. non-conductive or poorly conductive substrates.

Furthermore, the apparatus described in D2 and in intermediate document WO02/098577 (=D1) differs from the subject-matter of independent claims 1 and 26 in that they do not describe the presence of an electrode in which a voltage is applied in the fluidised bed.

Accordingly, the present invention as claimed in independent claims 1 and 26 is novel and inventive.

Further Remarks:

1. The state of the art (D2) has not been cited (Rule 5 PCT).
2. The corresponding two-part form has not been used in the independent device claim (Rule 6 PCT).